

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NICOLE ANDRAS,

Plaintiff,

Case No. 18-cv-10192  
Hon. Matthew F. Leitman

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT (ECF #10), (2) DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT (ECF #11), AND (3) REMANDING THIS  
ACTION FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff Nicole Andras challenges the denial of her application for disability insurance benefits. (*See* Compl., ECF #1.) Andras and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Motions, ECF ## 10, 11.)

On February 11, 2019, the assigned Magistrate Judge issued a Report and Recommendation in which she recommended that the Court grant Andras' motion, deny the Commissioner's motion, and remand this action to the Commissioner for further administrative proceedings pursuant to Sentence Four of 42 U.S.C. § 405(g). (the "R&R"). (*See* R&R, ECF #17.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation,

they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 719-20.)

The Commissioner has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the Commissioner has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Andras' Motion for Summary Judgment and deny the Commissioner's Motion for Summary Judgment is **ADOPTED**.

**IT IS FURTHER ORDERED** that (1) Andras' Motion for Summary Judgment (ECF #10) is **GRANTED**, (2) the Commissioner's Motion for Summary Judgment (ECF #11) is **DENIED**, and (3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this order.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 18, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 18, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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